

**Haverhill Town Council
Town Hall Council Chambers
Thursday ~ March 12, 2009
7:00 p.m.
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Town Council was held on Thursday, March 12, 2009 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were James E. Woods, President and Acting Mayor; Jay G. Foy, Vice President; Jerry E. Beavers, Council Member, Henry Lynch, Council Member and Mark C. Uptegraph, Council Member. Town Attorney John Foster, Code Enforcement Officer Joseph Roche and Town Clerk Janice C. Rutan were also present.

CALL TO ORDER

Council President Woods called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Woods offered the Invocation and led the Pledge of Allegiance

ROLL CALL

The Clerk called the roll. All members were present.

SWEARING IN OF COUNCIL MEMBERS

Town Attorney Foster administered the oath of office to the newly elected and unopposed Council Members returning to office, Jay G. Foy, Henry Lynch and Mark C. Uptegraph.

REORGANIZATION OF TOWN COUNCIL – ELECT PRESIDENT/MAYOR AND VICE PRESIDENT/VICE MAYOR

Attorney Foster explained that on March 10, 2009, the Charter Amendment Referendum was put before the voters and passed. Therefore, the Town Council would need to elect among themselves a Mayor and Vice Mayor.

Council Member Foy nominated James E. Woods to serve as Mayor. The nomination was seconded by Council Member Beavers. James E. Woods accepted the nomination. Council Member Uptegraph moved to close nominations. Council member Beavers seconded. By unanimous vote, James E. Woods was elected to serve as Mayor for the ensuing one year term.

Council Member Lynch nominated Jay G. Foy to serve as Vice Mayor. The nomination was seconded. Council Member Foy accepted the nomination. A motion was made by Council Member Beavers to close nominations. The motion was seconded by Council Member Uptegraph. By unanimous vote, Jay G. Foy was elected to serve as Vice Mayor for the ensuing one year term.

APPROVAL OF THE AGENDA

The Agenda was amended to include comments from the Public, comments from the Palm Beach County Sheriff's office and comments from Attorney, Mayor, Consultants, Assistant Town Administrator. **A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve the agenda as amended.**

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes of the February 26, 2009 Regular Town Council Meeting

A motion was made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to approve the Consent Agenda as presented.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE

Deputy Sergeant Nandell was present representing the Palm Beach County Sheriff's office. He reported that there had been a few alarm calls over the past two weeks. Vice Mayor Foy commented that he was pleased to see the PBSO vehicle patrolling Trailway Lane.

SECOND READINGS AND PUBLIC HEARINGS

ORDINANCE NO. 372

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING CHAPTER 58, ZONING, BY AMENDING CERTAIN PROVISIONS RELATING TO SPECIAL EXCEPTIONS INCLUDING AUTHORIZING THE TOWN COUNCIL TO GRANT UP TO THREE EXTENSIONS TO ANY SPECIAL EXCEPTION APPROVAL UNDER SECTION 58-129 AND DELETING LICENSED HOME OCCUPATION AS A SPECIAL EXCEPTION IN ALL RESIDENTIAL ZONING DISTRICTS;; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AUTHORITY TO CODIFY; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by John Foster. Attorney Foster gave Staff's report.

There being no public comment, a motion was made by Council Member Lynch, seconded by Vice Mayor Foy and unanimously passed (5-0) to approve Ordinance No. 372 on second reading.

ORDINANCE NO. 374

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING ARTICLE IX, SUPPLEMENTAL DISTRICT REGULATIONS, CHAPTER 58, ZONING, TO ADD A NEW DIVISION 12 RELATING TO DAY CARE CENTERS INCLUDING REGULATIONS CONCERNING LOT COVERAGE AND WIDTH, SETBACKS, MINIMUM LOT SIZE, PARKING, OUTDOOR ACTIVITY AREAS, AND LANDSCAPING; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The title was read by Attorney Foster. Mr. Foster presented Staff's report.

There being no public comment, a motion was made by Council Member Beavers, seconded by Council Member Lynch and unanimously passed to approve Ordinance No. 374 on second reading.

ORDINANCE NO. 375

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY 2.69 ACRE PARCEL FROM THE PALM BEACH COUNTY HR-8 FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S OTHER PUBLIC FACILITIES DESIGNATION, AS REQUESTED BY MANUEL SARRIA,

MANAGER FOR THE OWNER, THE RESIDENCES AT HAVERHILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES NORTH OF BELVEDERE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

The title was read by Attorney Foster. Mr. Foster presented Staff's report. Mr. Foster explained that this Ordinance and the following Ordinances (Ordinance No. 376, Ordinance No. 378 and Ordinance No. 379) would become effective 21 days after their adoption, or upon the final adoption of the EAR based Comprehensive Plan amendments, whichever last occurs.

A motion was made by Council Member Uptegraph, seconded by Vice Mayor Foy and unanimously passed (5-0) to approve Ordinance No. 375 on second reading.

ORDINANCE NO. 376

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS OFFICIAL ZONING MAP, AS AMENDED, BY REDESIGNATING A 2.69 ACRE PARCEL FROM THE EXISTING PALM BEACH COUNTY ZONING DESIGNATION OF RH – MULTIFAMILY RESIDENTIAL HIGH DENSITY TO A TOWN OF HAVERHILL ZONING DESIGNATION OF R-2 TWO FAMILY RESIDENTIAL DISTRICT, AS REQUESTED BY MANUEL SARRIA, MANAGER FOR THE OWNER, THE RESIDENCES AT HAVERHILL, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY . 5 MILES NORTH OF BELVEDERE ROAD; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Foster. Mr. Foster presented Staff's report. There being no comment from the public, a motion was made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed to approve Ordinance No. 376 on second reading.

ORDINANCE NO. 378

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS COMPREHENSIVE PLAN, AS AMENDED, BY AMENDING AND MODIFYING THE FUTURE LAND USE MAP OF ITS LAND USE ELEMENT BY CHANGING AN APPROXIMATELY 3.13 ACRE AREA (IVYWOOD ROAD AREA) FROM THE PALM BEACH COUNTY HR-8 FUTURE LAND USE DESIGNATION TO THE TOWN OF HAVERHILL'S HIGH DENSITY RESIDENTIAL DESIGNATION, WHICH PARCEL IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES SOUTH OF BELVEDERE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES

The title was read by Attorney Foster. Mr. Foster presented Staff's report. There being no comment from the public, a motion was made by Council Member Uptegraph, seconded by Council Member Lynch and unanimously passed to approve Ordinance No. 378 on second reading.

ORDINANCE NO. 379

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA AMENDING ITS OFFICIAL ZONING MAP, AS AMENDED, BY REDESIGNATING A 3.13 ACRE AREA (IVYWOOD ROAD AREA) FROM THE EXISTING PALM BEACH COUNTY ZONING DESIGNATION OF RM – MULTIFAMILY RESIDENTIAL MEDIUM DENSITY TO A TOWN OF HAVERHILL ZONING DESIGNATION OF R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT, WHICH AREA IS LOCATED ON THE WEST SIDE OF HAVERHILL ROAD APPROXIMATELY .5 MILES SOUTH OF BELVEDERE ROAD; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE AND OTHER PURPOSES.

The title was read by Attorney Foster. Mr. Foster presented Staff's report. **There being no comment from the public, a motion was made by Vice Mayor Foy, seconded by Council Member Beavers and unanimously passed to approve Ordinance No. 379 on second reading.**

Reports:

Attorney:

None.

Mayor:

None

Consultants:

None

Committees:

Vice Mayor Foy reported that the EPA recently passed guidelines for specific sampling at the outfall of pipe which is more stringent than the present NPDES testing requirements.

Vice Mayor Foy reported that there would be a meeting of the Water Resources Task Force the following Wednesday.

Vice Mayor Foy would provide the Town with a copy of Palm Beach County's water simulation presentation.

Vice Mayor Foy would schedule a meeting of the Code and Ordinance Committee the second week in April. At the forum held March 7, 2009, and in response to a suggestion made by candidate Lawrence Gordon, he had agreed to look into amending the Charter to allow for the election of a Mayor who would serve as the Town's ceremonial head but would have no administrative responsibilities. It was the general consensus of the Town Council to live with the current Charter for one year before looking into making any further changes.

Mayor Woods reported on the very successful Town Picnic held on March 7, 2009. It was his belief that it was the most attended, yet it cost less than in prior years. He expressed his thanks and appreciation to all those who worked on the event making it such a success.

Town Clerk/Assistant Administrator

The Town Clerk provided copies to the Town Council of a notice received from Kilday & Associates informing the Town of the rezoning application pending for the airport properties along Military and Haverhill Roads. The land use was being changed to Public Ownership to allow the Airport to move forward with both airport and/or non airport related uses on the properties. Ms. Rutan reported that at this time, there were no specific uses or site plans being proposed.

UNFINISHED BUSINESS**Red Light Traffic Enforcement Agreement**

Geoffrey Sluggett, representing American Traffic Solutions was present in the audience.

A motion was made by Vice Mayor Foy and seconded by Council Member Uptegraph to authorize the Attorney and Mayor to work towards finalization of the Agreement between the Town of Haverhill and American Traffic Solutions for the Red Light Traffic Enforcement program. It was suggested that Council Members should forward their comments to the Attorney to be incorporated into the Agreement.

Council Member Lynch commented that the proposed verbiage included in the Ordinance was too detailed and he would like to see it simplified. Mayor Woods did not see the necessity in allowing for a thirty day warning period.

Mr. Sluggett agreed to provide the Council with samples from other communities.

With no further discussion, the vote was called and the motion passed unanimously (5-0).

Lift Station

The Town Clerk reported that the Town had received payment from Duke Construction in accordance with the CRALLS Agreement and was still waiting on McCraney despite numerous assurances that the check had been prepared.

It was agreed that the Attorney would intervene if payment was not received by Friday, March 13, 2009 at 5:00 p.m.

Sign on Belvedere Road

Joseph Roche, Code Enforcement Officer agreed to look into removing the sign that had been placed in the Town's right of way along Belvedere Road. The sign acknowledged a person in memory and had not been authorized by the Town.

Haverhill Safe & Secure Storage:

As far as the Town was aware, notice of eviction had not yet been served on the residents owning their own trailers at Haverhill Trailer Park. There is a six month notice requirement.

NEW BUSINESS

Vice Mayor Foy presented Mayor Woods with a Resolution acknowledging his dedication in service to the Town of Haverhill. It was noted that in the past year, the Town had two successful annexation efforts and an approved Charter Amendment. **A motion was made by Vice Mayor Foy and seconded by Council Member Uptegraph to pass a Resolution recognizing the outstanding service of James E. Woods. The motion passed unanimously.**

Council Member Beavers expressed his interest in attending the Advance Institute for Elected Officials in April. Council expressed concern over budget constants and noted that some costs to attend future conferences by individual Council Members may have to be borne by the participant.

Discussion followed as to the appointment of the Town Administrator in accordance with the recent Charter amendment. Although the Town Clerk could assume the responsibilities of the Town Administrator, it was agreed that the title of the appointment should be Town Administrator. **A motion was then made by Council Member Lynch, seconded by Vice Mayor Foy and unanimously passed to appoint Janice C. Rutan Town Administrator for the Town of Haverhill and that she step down from holding the title of Town Clerk.**

It was noted for the record that Chris Barry of Jon Schmidt and Associates had been present in the audience representing Planet Kids during the Public Hearing process.

ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 7:47 p.m.

Approved: March 26, 2009
Date

Janice C. Rutan, Town Administrator

James E. Woods, Mayor